

RHODE ISLAND DIVISION OF MOTOR VEHICLES

100 MAIN STREET

PAWTUCKET, RI 02860

RHODE ISLAND DEALERS' LICENSE & REGULATIONS OFFICE

Tel. # 462-5733/5734 / Fax # 462-5718

May 12, 2008

TO: Gary Sasse, Director

DEPT: Department of Revenue

FROM: Walter Craddock, Esq. Chairman

DEPT: Division of Motor Vehicles

SUBJECT: HEARING BOARD RESULTS

Please be advised of the following matters which were heard before the Board on Thursday, May 8, 2008. Also be advised the following people were present during the hearing: Joseph I. Monteiro, Chief, Enforcement/ Regulations and Legal Counsel Marcy Coleman, Esq., Division of Legal Services and the hearing Board members: Walter Craddock, Esq., James Botvin, Dennis Gerstmeyer and Cpl. David Doucet of the Rhode Island State Police.

Absent: Thomas Ricci

**MEETING OF MAY 8, 2008 AT 9:00 AM
DIVISION OF MOTOR VEHICLES – 100 MAIN ST. PAWTUCKET, RI
02860**

**1. REVIEW AND ACCEPTANCE OF THE MINUTES OF THE APRIL 24,
2008 BOARD HEARING.**

Minutes reviewed and accepted by the board.

**2. METRO CHRYSLER-JEEP (Michael Grieco, Sr. Pres. / Joshua
Teverow, Esq.)
FRANCHISE ADDITION – CASE # KR-08-101**

**Decision: The Board has approved the application to transfer the
Dodge franchise from Lincoln Dodge Chrysler Jeep to Metro
Chrysler-Jeep-Dodge. No additional plates have been awarded.
There are letters of “no protest” on file with the Dealer’s License and
Regulations Office from Elmwood Dodge, Inc., Bald Hill
Dodge-Chrysler, Bristol County Dodge, Inc. and Bailey’s Motor Sales,
Inc.**

HEARING RESULTS

PAGE 2 OF 5

3. THE CAR STORE, INC. (James A. Semenkow, Pres.)

FRANCHISE ADDITION –CASE # KR-08-093

Decision: The Board has approved the addition of a Suzuki franchise to The Car Store, Inc. The name will be changed to The Car Store, Inc. doing business as Jimmy's Suzuki. The dealership designation will be changed from a used car dealer to a new car dealer. The Dealer will return his used dealer plates, 140 A-Y, 25 plates, when notified that his new dealer plates, 140 A-Y, 25 plates, have been received at the Dealers License and Regulations Office and an exchange can be made. No protest letters have been received because this will be the only Suzuki dealership in Rhode Island.

4. THE CAR STORE, INC. (James A. Semenkow, Pres.)

REQUESTING TO RUN TWO DEALERSHIPS UNDER ONE LICENSED NAME. – CASE # KR-08

Decision: The Board has approved the request from the Dealership that it be allowed to do business under the licensed name of The Car Store, Inc. doing business as Jimmy's Suzuki as a single dealership with one license.

5. TARBOX HYUNDAI (Edward Tarbox, Pres. / Daniel Stone, Esq. / Joshua Teverow, Esq.) –CASE# KR-08-059

RECONSIDER BOARD DECISION OF MARCH 28, 2008.

Decision: The Board has approved the use of the Big Lot sign for the used car sales lot at Tarbox Hyundai. All paperwork including titles and certificates of origin must be in the name of Tarbox Hyundai.

6. MELISSA L. JENCKS V. BOBBY D'S CYCLE SERVICE (Robert P. D'Ambra, Owner)

SURETY BOND ACTION – CASE #DS-06-248

Decision: The Board has granted Melissa L. Jenks permission to file against the 2006 surety bond of Bobby D's Cycle Service, number 967-001-564, issued by Liberty Mutual Insurance Company for the amount of \$6,800.00.

HEARING RESULTS

PAGE 3 OF 5

7. MELISSA KELL V. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres)

SURETY BOND ACTION – CASE # DS-07-204

Decision: The Board has granted Melissa Kell permission to file against the 2007 surety bond of The Autostore Motor Sales, number 69420982, issued by Western Surety Company for the amount of \$10,000.00.

8. ROGER BOUCHER / Kate Breslin Harden, Esq. V. AUTOSTORE MOTOR SALES

(Daniel Shabo, Pres.)

SURETY BOND ACTION – CASE # DS-07-005

Decision: The Board has granted Roger Boucher permission to file against the 2007 surety bond of The Autostore Motor Sales, number 69420982, issued by Western Surety Company for the amount of \$10,778.12.

9. BARBARA A. MARSHALL V. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres.)

SURETY BOND ACTION – CASE # DS-08-023

Decision: The Board has granted Barbara A. Marshall permission to file against the 2007 surety bond of The Autostore Motor Sales, number 69420982, issued by Western Surety Company for the amount of \$1,500.00.

10. MARK HAWKINS V. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres.)

SURETY BOND ACTION – CASE # DS-08-018

Decision: The Board has granted Mark Hawkins permission to file against the 2006 surety bond of The Autostore Motor Sales, number 69420982, issued by Western Surety Company for the amount of \$2,200.00.

11. KEVIN NANNI V. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres.)

SURETY BOND ACTION- CASE # KR-08-053

Decision: The Board has granted Kevin Nanni permission to file against the 2006 surety bond of The Autostore Motor Sales, number 69420982, issued by Western Surety Company for the amount of \$1,895.00.

HEARING RESULTS

PAGE 4 OF 5

12. KIM SAWYER V. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres.)

SURETY BOND ACTION - CASE # KR-08-052

Decision: The Board has granted Kim Sawyer permission to file against the 2007 surety bond of The Autostore Motor Sales, number 69420982, issued by Western Surety Company for the amount of \$3,121.57.

13. CYNTHIA A. CARR V AUTOSTORE MOTOR SALES (Daniel Shabo, Pres.)

SURETY BOND ACTION – CASE # KR-08-058

Decision: The Board has granted Cynthia A. Carr permission to file against the 2005 surety bond of The Autostore Motor Sales, number 69420982, issued by Western Surety Company for the amount of \$2,494.00.

14. GLORIA MCKAY V. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres.)

SURETY BOND ACTION – CASE # DS-08-006

Decision: The Board has granted Gloria McKay permission to file against the 2007 surety bond of The Autostore Motor Sales, number 69420982, issued by Western Surety Company for the amount of \$2,398.00.

15. MARK MCKAY V. AUTOSTORE MOTOR SALES (Daniel Shabo, Pres.)

SURETY BOND ACTION – CASE # DS-08-088

Decision: The Board has granted Mark McKay permission to file against the 2007 surety bond of The Autostore Motor Sales, number 69420982, issued by Western Surety Company for the amount of

\$218.00.

**16. DEALERS' LICENSE & REGULATIONS OFFICE V. LINCOLN AUTO
SALES & SERVICE, INC. (Joseph Montuori, Pres)
SHOW CAUSE HEARING – CASE # KR-08-080
1ST RESCHEDULED HEARING**

Decision: The Board has suspended the license to do business of Lincoln Auto Sales & Service, Inc. for thirty days for being in violation of RIGL § 3-5-11 (3),(10) and (11), as a result of unconscionable business practices relating to business as a motor vehicle dealer. Lincoln Auto Sales & Service, Inc. has 10 days from the receipt of the written decision to return their license to do business, 435 and all dealer plates, 317A-F, to the Rhode Island Dealer's License and Regulations Office.

The Dealership must provide documentation to the Dealer's License and Regulations Office showing that all the vehicles on their lot belong to Lincoln Auto Sales & Service, Inc. and they also must provide notarized Employee Form and Workers Compensation Form listing all current employees with copies of the stamped DWC-11 for any employees excluding themselves from Workers' Compensation to the Dealers License and Regulations Office prior to reinstatement of the license.

HEARING RESULTS

PAGE 5 OF 5

**17. A. PALLIOTA, INC. (Alex Paliotta / Michael DiChiro, Esq.) V. CITY
LIMIT AUTO SALES (Samuel Zira, Pres.)
COMPLAINT / SHOW CAUSE HEARING - CASE # DS-08-015**

**Complaint withdrawn without prejudice by Michael DiChiro, Esq.,
lawyer for
A. Palliota, Inc.**

**18. SHARARE SOLEYMAN / Ben Tariri, Esq. V. R & R AUTO CYCLE (
Ronald Russo, Owner)
COMPLAINT / SHOW CAUSE HEARING – CASE #DS-08-038**

**Decision: The Board has determined that R&R Auto Cycle is in
violation of**

**RIGL §31-5-11 (3), (10) and (11), indulging in unconscionable
practices relating to business as a motor vehicle dealer and RIGL
§31-38-1 (b) failure to supply inspection sticker for vehicle. The
dealership has been ordered to buy back the vehicle from the**

Consumer for \$4700.00.

Walter Craddock, Esq. Chairman

Cc: Charles Dolan, Administrator, DMV

John DiTomasso, Assistant Administrator, DMV

Joseph I. Monteiro, Chief Enforcement/Regulations, DMV

Marcy Coleman, Esq., Division of Legal Services, DOA

File